

AMENDED IN SENATE DECEMBER 17, 2009

CALIFORNIA LEGISLATURE—2009—10 FIFTH EXTRAORDINARY SESSION

SENATE BILL

No. 4

Introduced by Senator ~~Steinberg~~ Romero

December 15, 2009

~~An act relating to public schools.~~ *An act to amend Sections 52052.5, 60601, 60603, 60604, 60605.6, 60606, 60640, 60643, 60643.1, and 60900 of, to add Sections 10601.6, 10802.5, 10807, 44227.2, 60604.5, 60605.7, 60605.8, and 60605.9 to, to add Article 10 (commencing with Section 48350) to Chapter 2 of Part 27 of Division 4 of Title 2 of, and to add Chapter 18 (commencing with Section 53100) to Part 28 of Division 4 of Title 2 of, the Education Code, and to amend Section 1095 of the Unemployment Insurance Code, relating to public schools.*

LEGISLATIVE COUNSEL'S DIGEST

SB 4, as amended, ~~Steinberg~~ Romero. Public schools: Race to the Top.

(1) *The Education Data and Information Act of 2008 requires the State Chief Information Officer to convene a working group representing specified governmental entities that collect, report, or use individual pupil education data to create a strategic plan to link education data systems and to accomplish objectives relating to the accessibility of education data.*

This bill, in addition, would authorize the State Department of Education, the University of California, the California State University, the Chancellor of the California Community Colleges, the Commission on Teacher Credentialing, the Employment Development Department, and the California School Information Services to enter into interagency agreements in order to facilitate specified objectives regarding the

implementation of a longitudinal education data system and the transfer of education data.

(2) Existing law establishes the Commission on Teacher Credentialing to, among other things, establish professional standards and procedures for the issuance and renewal of teaching and services credentials.

This bill would establish the Science, Technology, Engineering, Math, and Career Technical Education Educator Credentialing Program for purposes of providing alternative routes to credentialing in accordance with the guidelines for the federal Race to the Top Fund, and would require the commission, together with the Committee on Accreditation, to develop a process to authorize additional high-quality alternative route educator preparation programs provided by school districts, county offices of education, community-based organizations, and nongovernmental organizations. The bill would authorize the commission to assess a fee on community-based and nongovernmental organizations that are seeking approval to participate in the program.

(3) Existing law requires each person between the ages of 6 and 18 years not otherwise exempted to attend the public full-time day school or continuation school or classes in the school district in which his or her parent or guardian is a resident. Existing law authorizes two school districts to enter into an agreement that allows pupils to transfer between the two districts.

This bill would establish the Open Enrollment Act to enable pupils residing in the state to attend public schools in school districts other than their school district of residence, as defined. The bill would authorize the parent or guardian of a pupil enrolled in a low-achieving school, as defined, to submit an application for the pupil to attend a school in a school district of enrollment, as defined. The bill would authorize a school district of enrollment to adopt specific, written standards for acceptance and rejection of applications for enrollment, subject to specified conditions and a specified priority scheme for applicants. Within 60 days of receiving an application for enrollment, the bill would require a school district of enrollment to notify the applicant parent or guardian and the resident school district in writing whether the application has been accepted or rejected and, if an application is rejected, state in the notification the reasons for the rejection. The bill would require the State Board of Education to adopt emergency regulations to implement these provisions.

By requiring school districts to perform additional duties regarding the enrollment of nonresident pupils, this bill would impose a state-mandated local program.

(4) Existing law requires the Superintendent of Public Instruction to establish an advisory committee to advise on all appropriate matters relative to the creation of the Academic Performance Index and the implementation of the Immediate Intervention/Underperforming Schools Program and the High Achieving/Improving Schools Program.

This bill would require the Superintendent and the state board, in consultation with the advisory committee, by January 1, 2011, to make recommendations to the Legislature and the Governor on, among other things, the establishment of a methodology for generating a measurement of group and individual academic performance growth by using individual pupil results from a longitudinally valid achievement assessment system.

(5) The federal American Recovery and Reinvestment Act of 2009 (ARRA), provides \$4.3 billion for the State Incentive Grant Fund (Race to the Top Fund), which is a competitive grant program designed to encourage and reward states that are implementing specified educational objectives. The ARRA requires a Governor to apply on behalf of a state seeking a Race to the Top grant, and requires the application to include specified information. The United States Secretary of Education has issued regulations and guidelines regarding state eligibility under the Race to the Top program.

This bill would state the Legislature's intent to implement education reforms to, among other things, ensure that California is positioned to be successful in the Race to the Top competition.

This bill would authorize the Superintendent and the President of the State Board of Education to enter into a memorandum of understanding with a local educational agency for the purposes of implementing the Race to the Top program. The bill would require the Governor, the Superintendent, and the state board, in collaboration with participating local educational agencies, as necessary, to develop a high-quality plan or plans to submit as part of an application for federal Race to the Top funds that includes specified elements. The bill would require the Department of Finance, concurrent with the submission of the plan to the Attorney General, to provide the appropriate policy and fiscal committees of both houses of the Legislature with a copy of the plan or plans. The bill would require the Superintendent, on or before January 1, 2011, to contract with an independent evaluator relating to the

implementation of the state plan. The bill would require the Superintendent, on or before June 1, 2014, to provide the final evaluation to the Legislature, the Governor, and the state board, and require the department to use federal Race to the Top program funds for this evaluation.

This bill would require the Superintendent to establish a list of low-achieving schools and persistently lowest-achieving schools, as defined, according to specific criteria. The bill would require the Superintendent to notify the governing board of a school district, county superintendent of schools, or the governing body of a charter school or its equivalent, that one or more of the schools in its jurisdiction have been identified as a persistently lowest-achieving school. The bill, except as specified, would require the governing board of a school district, county office of education, or the governing body of a charter school or its equivalent to implement, for any school identified by the Superintendent as persistently lowest-achieving, one of four interventions for turning around lowest-achieving schools described in federal regulations and guidelines for the Race to the Top program, thereby imposing a state-mandated local program. The bill would authorize a persistently lowest-achieving school implementing specified intervention models to participate in a school-to-school partnership program by working with a mentor school that has successfully transitioned from a low-achieving school to a higher-achieving school.

This bill would require a local educational agency to implement one of several specified reforms for any other school which, after one full school year, is subject to corrective action pursuant to a specified provision of federal law and continues to fail to make adequate yearly progress, and where at least one-half of the parents or legal guardians of pupils attending the school, or a combination of at least one-half of the parents or legal guardians of pupils attending the school and the elementary or middle schools that normally matriculate into a middle or high school, as applicable, sign a petition requesting the local educational agency to implement one of the alternative governance arrangements, unless the local educational agency makes a finding in writing why it cannot implement the recommended arrangement and instead designates in writing which of the other alternative governance arrangements it will implement in the subsequent school year. The bill would require the local educational agency to notify the Superintendent and the state board if it decides to implement a different alternative governance option.

The bill would limit this procedure to no more than 75 schools.

(6) Existing law establishes the California Education Information System, which consists of the California Longitudinal Pupil Achievement Data System, known as CALPADS, and the California Longitudinal Teacher Integrated Data System, known as CALTIDES.

This bill would authorize data in the California Education Information System to be used by local educational agencies for purposes of evaluating teachers and administrators and making employment decisions, if those decisions comply with specified provisions of law.

(7) Existing law, the Leroy Greene California Assessment of Academic Achievement Act (hereafter the Greene Act), requires the Superintendent to design and implement a statewide pupil assessment program, and requires school districts, charter schools, and county offices of education to administer to each of its pupils in grades 2 to 11, inclusive, certain achievement tests, including a standards-based achievement test pursuant to the Standardized Testing and Reporting (STAR) Program.

This bill would express the intent of the Legislature that the reauthorization of the statewide pupil assessment program include specified elements, including a plan for transitioning to a system of high-quality assessments, as defined in the federal Race to the Top guidelines and regulations. The bill would establish the Academic Content Standards Commission, consisting of 12 appointed members, as specified. The commission would be required to develop academic content standards in language arts and mathematics, and would be required, on or before July 15, 2010, to present its recommended academic content standards to the state board. The bill would require the state board, on or before August 2, 2010, to adopt or reject the academic content standards, and would also require the Superintendent and the state board to present specified information to the Governor and appropriate policy and fiscal committees of the Legislature. This bill would exempt instructional materials adopted pursuant to those provisions from specified requirements relating to the approval and adoption of basic instructional materials by the state board.

This bill would require the Superintendent, the state board, and any other entity or individual designated by the Governor to participate in the Common Core State Standards Initiative consortium sponsored by the National Governors Association and the Council of Chief State School Officers or any associated or related interstate collaboration

to jointly develop common high-quality standards or assessments aligned with the common set of standards.

Existing law makes certain provisions of the Greene Act inoperative on July 1, 2011, and repeals all of the act's provisions on January 1, 2012.

This bill would make the act inoperative on July 1, 2013, and would repeal the act as of January 1, 2014. By extending the time period during which school districts are required to perform various duties relating to the administration of achievement tests, the bill would impose a state-mandated local program.

(8) Existing law requires the State Department of Education under CALPADS to contract for the development of proposals that will provide for the retention and analysis of longitudinal pupil achievement data. Existing law requires local educational agencies to retain individual pupil records for each test taker, including other data elements deemed necessary by the Superintendent, with approval of the state board, to comply with federal reporting requirements delineated in the federal Elementary and Secondary Education Act.

This bill would require local educational agencies to also retain other data elements deemed necessary by the Superintendent, with the approval of the state board, to comply with programs implemented pursuant to specified provisions of federal law, subject to the submission of an expenditure plan to the Department of Finance, as specified.

(9) Existing law requires the director of the Employment Development Department to permit the use of any information in his or her possession to the extent necessary for specified purposes.

The bill would authorize the State Department of Education, the University of California, the California State University, and the Chancellor of the California Community Colleges to obtain quarterly wage data on students in order to meet the requirements of the federal American Recovery and Reinvestment Act of 2009, to the extent permitted by federal law.

(10) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The federal American Recovery and Reinvestment Act of 2009 (ARRA), provides \$4.3 billion for the State Incentive Grant Fund (Race to the Top Fund), which is a competitive grant program designed to encourage and reward states that are implementing specified educational reforms in 4 specified areas: (1) achieving equity in teacher distribution, (2) improving collection and use of data, (3) implementing standards and assessments, and (4) supporting struggling schools. The ARRA requires the Governor to apply on behalf of a state seeking a Race to the Top grant, and requires the application to include specified information. The federal Secretary of Education has issued proposed regulations for the Race to the Top Fund.

This bill would require the Governor, the Superintendent of Public Instruction, and the State Board of Education to collaboratively develop a single high-quality plan or multiple plans, in collaboration with participating local educational agencies as necessary, to submit as part of an application for federal Race to the Top funds.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. It is the intent of the Legislature to implement
- 2 education reforms to dramatically improve the achievement of
- 3 California's students. These reforms will ensure that California
- 4 is positioned to be successful in the federal Race to the Top
- 5 competition through the following reforms:
- 6 (a) Authorize the Governor, Superintendent of Public
- 7 Instruction, and the State Board of Education to jointly develop a
- 8 plan with local educational agencies for submission in the Race
- 9 to the Top grant competition and provide participating local
- 10 education agencies with the flexibility they need to implement
- 11 activities in the state plan.
- 12 (b) Recruit, prepare, develop, retain, train for continual
- 13 improvement, and reward effective teachers and principals,
- 14 especially in the state's lowest performing schools, and provide
- 15 alternative routes to certification for those who want to teach
- 16 science, technology, engineering, and math subjects in order to
- 17 attract professionals with hands-on experience in the classroom.
- 18 (c) Ensure that the rigor of the state's reading, writing, and
- 19 mathematics academic content standards, curricula, and

1 assessments is maintained so that all high school graduates are
2 prepared for college and careers by establishing a process to adopt
3 new standards based on the Common Core State Standards
4 Initiative.

5 (d) Create robust data systems linking prekindergarten, K-12,
6 higher education and workforce data to measure student success,
7 improve instruction and student learning, and inform teachers,
8 principals, students, policymakers, and the public of school
9 performance.

10 (e) Turn around the state's persistently lowest-achieving schools
11 by identifying them, presenting them with rigorous and
12 comprehensive alternative models for reform, support the
13 school-level cultural change that is necessary for successful school
14 reform, and eliminate barriers to school turnarounds.

15 SEC. 2. Section 10601.6 is added to the Education Code, to
16 read:

17 10601.6. Notwithstanding any other provision of law, data in
18 the California Education Information System, solely or in
19 conjunction with data from any other data system, may be used
20 by local educational agencies for purposes of evaluating teachers
21 and administrators and making employment decisions, only if these
22 decisions comply with Chapter 10.7 (commencing with Section
23 3540) of Division 4 of Title 1 of the Government Code.

24 SEC. 3. Section 10802.5 is added to the Education Code, to
25 read:

26 10802.5. It is the intent of the Legislature that, on or before
27 January 1, 2011, and to the extent an appropriation is provided
28 for this purpose, the department, at a minimum, ensures that the
29 data elements pertaining to success in the 21st Century workforce
30 described in Section 6401(a)(2)(B)(ii) and (e)(1)(A)(ii) of the
31 federal America COMPETES Act (20 U.S.C. Sec. 9871) be
32 collected for career technical education programs operated by a
33 local educational agency.

34 SEC. 4. Section 10807 is added to the Education Code, to read:

35 10807. The department, the University of California, the
36 California State University, the Chancellor of the California
37 Community Colleges, the Commission on Teacher Credentialing,
38 the Employment Development Department, and the California
39 School Information Services established in Section 49081 may

1 *enter into interagency agreements in order to facilitate all of the*
2 *following:*

3 *(a) The implementation of a comprehensive longitudinal*
4 *education data system for California.*

5 *(b) The transfer of data from one educational segment to*
6 *another.*

7 *(c) The transfer of workforce data to the educational segments.*

8 *SEC. 5. Section 44227.2 is added to the Education Code, to*
9 *read:*

10 *44227.2. (a) The Legislature hereby establishes the Science,*
11 *Technology, Engineering, Math, and Career Technical Education*
12 *Educator Credentialing Program for purposes of providing*
13 *alternative routes to credentialing, in accordance with the*
14 *guidelines for the federal Race to the Top Fund, authorized under*
15 *the federal American Recovery and Reinvestment Act of 2009*
16 *(Public Law 111-5), that do not compromise state standards.*

17 *(b) No later than June 1, 2010, the commission, in consultation*
18 *with the Committee on Accreditation established pursuant to*
19 *Section 44373, shall develop a process to authorize additional*
20 *high-quality alternative route educator preparation programs*
21 *provided by school districts, county offices of education,*
22 *community-based organizations, and nongovernmental*
23 *organizations. Organizations participating in this project may*
24 *offer educator preparation programs for any science, mathematics,*
25 *and career technical education credential type issued by the*
26 *commission if the organization meets the requirements for being*
27 *authorized pursuant to criteria established by the commission.*

28 *(c) The commission shall authorize community-based or*
29 *nongovernmental organizations accredited by an accrediting*
30 *organization that is recognized by the Council for Higher*
31 *Education Accreditation and the United States Department of*
32 *Education. The commission may also establish alternative criteria,*
33 *if necessary, for project participants that are not eligible for*
34 *accreditation by one of the accredited organizations.*

35 *(d) Participating organizations shall electronically submit*
36 *credential applications to the commission.*

37 *(e) The commission may assess a fee on a community-based or*
38 *nongovernmental organization that is seeking approval to*
39 *participate in the program. For purposes of this section, an*

1 independent college or university in California is not a
2 community-based or nongovernmental organization.

3 SEC. 8. Article 10 (commencing with Section 48350) is added
4 to Chapter 2 of Part 27 of Division 4 of Title 2 of the Education
5 Code, to read:

6
7 Article 10. Open Enrollment Act
8

9 48350. This article shall be known, and may be cited, as the
10 Open Enrollment Act.

11 48351. The purpose of this article is to improve pupil
12 achievement, in accordance with the regulations and guidelines
13 for the federal Race to the Top Fund, authorized under the federal
14 American Recovery and Reinvestment Act of 2009 (Public Law
15 111-5), and to enhance parental choice in education by providing
16 additional options to pupils to enroll in public schools throughout
17 the state without regard to the residence of their parents.

18 48352. For purposes of this article, the following definitions
19 apply:

20 (a) "Low-achieving school" means any school which is in
21 program improvement, corrective action, or restructuring
22 consistent with the regulations and guidelines for the federal Race
23 to the Top Fund, authorized under the federal American Recovery
24 and Reinvestment Act of 2009 (Public Law 111-5), and the
25 guidelines for the federal School Improvement Grants, authorized
26 under the federal Elementary and Secondary Education Act (20
27 U.S.C. Sec. 6301 et seq.), that is also ranked in decile 1 of the
28 Academic Performance Index and identified in the 2008–09 school
29 year by the Superintendent pursuant to Section 52055.605.
30 Commencing with the 2013–14 fiscal year and every third year
31 thereafter, the list of schools ranked in decile 1 shall be updated
32 for this purpose based on the most current Academic Performance
33 Index rankings.

34 (b) "Parent" means the natural or adoptive parent or guardian
35 of a dependent child.

36 (c) "School district of enrollment" means a school district other
37 than the school district in which the parent of a pupil resides, but
38 in which the parent of the pupil nevertheless intends to enroll the
39 pupil pursuant to this article.

1 (d) “School district of residence” means a school district in
2 which the parent of a pupil resides and in which the pupil would
3 otherwise be required to enroll pursuant to Section 48200.

4 48353. The state board shall adopt emergency regulations to
5 implement this article.

6 48354. (a) The parent of a pupil enrolled in a low-achieving
7 school may submit an application for the pupil to attend a school
8 in a school district of enrollment pursuant to this article.

9 (b) (1) Consistent with the requirements of Section
10 1116(b)(1)(E) of the federal Elementary and Secondary Education
11 Act of 2001 (20 U.S.C. Sec. 6301 et seq.), on or before the first
12 day of the school year, or, if later, on the date the notice of
13 program improvement, corrective action, or restructuring status
14 is required to be provided under federal law the district of
15 residence shall provide the parents and guardians of all pupils
16 enrolled in a school determined in subdivision (a) of Section 48352
17 with notice of the option to transfer to another public school served
18 by the school district of residence or another school district.

19 (2) An application requesting a transfer pursuant to this article
20 shall be submitted by the parent of a pupil to the school district of
21 enrollment prior to January 1 of the school year preceding the
22 school year for which the pupil is requesting to transfer. The school
23 district of enrollment may waive the deadline specified in this
24 paragraph.

25 (3) The application deadline specified in paragraph (2) does
26 not apply to an application requesting a transfer if the parent, with
27 whom the pupil resides, is enlisted in the military and was relocated
28 by the military within 90 days prior to submitting the application.

29 (4) The application may request enrollment of the pupil in a
30 specific school or program within the school district of enrollment.

31 (5) A pupil may enroll in a school in the school district of
32 enrollment in the school year immediately following the approval
33 of his or her application.

34 (6) In order to provide priority enrollment opportunities for
35 pupils residing in the school district, a school district of enrollment
36 shall establish a period of time for resident pupil enrollment prior
37 to accepting transfer applications pursuant to this article.

38 48355. (a) The school district of residence of a pupil or a
39 school district of enrollment to which a pupil has applied to attend
40 may prohibit the transfer of the pupil pursuant to this article or

1 *limit the number of pupils who transfer pursuant to this article if*
2 *the governing board of the district determines that the transfer*
3 *would negatively impact either of the following:*

4 *(1) A court-ordered desegregation plan of the district.*

5 *(2) The racial and ethnic balance of the district, provided that*
6 *any policy adopted pursuant to this paragraph is consistent with*
7 *federal and state law.*

8 *(b) A school district of residence shall not adopt any other*
9 *policies that in any way prevent or discourage pupils from applying*
10 *for a transfer to a school district of enrollment.*

11 *48356. (a) A school district of enrollment may adopt specific,*
12 *written standards for acceptance and rejection of applications*
13 *pursuant to this article. The standards may include consideration*
14 *of the capacity of a program, class, grade level, or school building.*
15 *Subject to subdivision (b), and except as necessary in accordance*
16 *with Section 48355, the standards shall not include consideration*
17 *of a pupil's previous academic achievement, physical condition,*
18 *proficiency in the English language, sex, national origin, or race.*

19 *(b) In considering an application pursuant to this article, a*
20 *nonresident school district may apply its usual requirements for*
21 *admission to a magnet school or a program designed to serve*
22 *gifted and talented pupils.*

23 *(c) Subject to the rules and standards that apply to pupils who*
24 *reside in the school district of enrollment, a resident pupil who is*
25 *enrolled in one of the district's schools pursuant to this article*
26 *shall not be required to submit an application in order to remain*
27 *enrolled.*

28 *(d) A school district of enrollment shall ensure that pupils*
29 *enrolled pursuant to standards adopted pursuant to this section*
30 *are selected through a random, unbiased process that prohibits*
31 *an evaluation of whether or not the pupil should be enrolled based*
32 *on his or her individual academic or athletic performance, except*
33 *that pupils applying for a transfer pursuant to this article shall be*
34 *assigned priority for approval as follows:*

35 *(1) First priority for the siblings of children who already attend*
36 *the desired school.*

37 *(2) Second priority for pupils transferring from a program*
38 *improvement school ranked in decile 1 on the Academic*
39 *Performance Index determined pursuant to subdivision (a) of*
40 *Section 48352.*

1 (3) *If the number of pupils who request a particular school*
2 *exceeds the number of spaces available at that school, a lottery*
3 *shall be conducted in the group priority order identified in*
4 *paragraphs (1) and (2) to select pupils at random until all of the*
5 *available spaces are filled.*

6 (e) *The initial application of a pupil for transfer to a school*
7 *within a school district of enrollment shall not be approved if the*
8 *transfer would require the displacement from the desired school*
9 *of any other pupil who resides within the attendance area of that*
10 *school or is currently enrolled in that school.*

11 (f) *A pupil approved for a transfer to a school district of*
12 *enrollment pursuant to this article shall be deemed to have fulfilled*
13 *the requirements of Section 48204.*

14 48357. *Within 60 days of receiving an application pursuant to*
15 *Section 48354, a school district of enrollment shall notify the*
16 *applicant parent and the school district of residence in writing*
17 *whether the application has been accepted or rejected. If an*
18 *application is rejected, the school district of enrollment shall state*
19 *in the notification the reasons for the rejection.*

20 48358. *A school district of enrollment that enrolls a pupil*
21 *pursuant to this article shall accept credits toward graduation that*
22 *were awarded to the pupil by another school district and shall*
23 *graduate the pupil if the pupil meets the graduation requirements*
24 *of the school district of enrollment.*

25 48359. (a) *Each school district is encouraged to keep an*
26 *accounting of all requests made for alternative attendance pursuant*
27 *to this article and records of all disposition of those requests that*
28 *may include, but are not limited to, all of the following:*

29 (1) *The number of requests granted, denied, or withdrawn. In*
30 *the case of denied requests, the records may indicate the reasons*
31 *for the denials.*

32 (2) *The number of pupils who transfer out of the district.*

33 (3) *The number of pupils who transfer into the district.*

34 (b) *The information maintained pursuant to subdivision (a) may*
35 *be reported to the governing board of the school district at a*
36 *regularly scheduled meeting of the governing board.*

37 48360. *It is the intent of the Legislature that this article be*
38 *declaratory of federal law, which provides pupils in schools under*
39 *program improvement, corrective action, or restructuring an*
40 *opportunity for open enrollment.*

1 *SEC. 6. Section 52052.5 of the Education Code is amended to*
2 *read:*

3 52052.5. (a) ~~The Superintendent of Public Instruction~~ shall
4 establish a broadly representative and diverse advisory committee
5 to advise the Superintendent of Public Instruction and the ~~State~~
6 ~~Board of Education~~ *state board* on all appropriate matters relative
7 to the creation of the Academic Performance Index and the
8 implementation of the Immediate Intervention/Underperforming
9 Schools Program and the High Achieving/Improving Schools
10 Program. Members of the advisory committee shall serve without
11 compensation for terms not to exceed two years. The ~~State~~
12 ~~Department of Education~~ *department* shall provide staff to the
13 advisory panel.

14 (b) By July 1, 2005, the advisory committee established
15 pursuant to this section shall make recommendations to the
16 ~~Superintendent of Public Instruction~~ on the appropriateness and
17 feasibility of a methodology for generating a measurement of
18 academic performance by utilizing unique pupil identifiers for
19 pupils in kindergarten and any of grades 1 to 12, inclusive, and
20 annual academic achievement growth to provide a more accurate
21 measure of a school's growth over time. If appropriate and feasible,
22 the ~~Superintendent of Public Instruction~~, with the approval of the
23 ~~State Board of Education~~ *state board*, shall thereafter implement
24 this measurement of academic performance.

25 (c) *By January 1, 2011, the Superintendent and the state board,*
26 *in consultation with the advisory committee established pursuant*
27 *to subdivision (a), shall make recommendations to the Legislature*
28 *and the Governor on each of the following:*

29 (1) *The establishment of a methodology for generating a*
30 *measurement of group and individual academic performance*
31 *growth by utilizing individual pupil results from a longitudinally*
32 *valid achievement assessment system. These recommendations*
33 *should also address any interactions between the Academic*
34 *Performance Index, or any successor measure, and individual test*
35 *scores from the state's tests, as well as implications for the*
36 *reauthorization of the state's assessment system. This paragraph*
37 *shall not be construed to supersede the provisions of Chapter 273*
38 *of the Statutes of 2009.*

1 (2) *Approaches to increasing the emphasis of science and*
2 *mathematics in the calculation of the Academic Performance Index*
3 *or any successor measure.*

4 (3) *Methods to incorporate into the Academic Performance*
5 *Index, or into other aspects of the state's accountability system, a*
6 *measure of the degree to which pupils graduate from high school*
7 *with the skills and knowledge necessary to attain entry-level*
8 *employment in business or industry, as set forth in subdivision (b)*
9 *of Section 51228.*

10 (4) *Methods to incorporate into the Academic Performance*
11 *Index, or into other aspects of the state's accountability system, a*
12 *measure of the degree to which pupils graduate from high school*
13 *with the skills and knowledge necessary to succeed in*
14 *postsecondary education.*

15 SEC. 7. Chapter 18 (commencing with Section 53100) is added
16 to Part 28 of Division 4 of Title 2 of the Education Code, to read:

17
18 CHAPTER 18. RACE TO THE TOP

19
20 Article 1. General Provisions

21
22 53100. For the purposes of implementing the federal Race to
23 the Top program established by the federal American Recovery
24 and Reinvestment Act of 2009 (Public Law 111-5):

25 (a) The Superintendent and the President of the state board may
26 enter into a memorandum of understanding with a local
27 educational agency.

28 (b) Participating local educational agencies shall enter into a
29 memorandum of understanding, with the Superintendent and the
30 President of the state board, that meets the requirements expressed
31 in the Race to the Top guidelines and that is signed by as many as
32 possible of each participating local educational agency's:

33 (1) Superintendent of schools, or their equivalents.

34 (2) President of the local governing boards, or their equivalents.

35 (3) Leader of any local collective bargaining unit for teachers,
36 if applicable.

37 53101. (a) The Governor, the Superintendent, and the state
38 board shall jointly develop a single high-quality plan or multiple
39 plans, in collaboration with participating local educational
40 agencies, as necessary, to submit as part of an application for

1 *federal Race to the Top funds, authorized under the federal*
2 *American Recovery and Reinvestment Act of 2009 (Public Law*
3 *111-5).*

4 *(b) The Department of Finance, concurrent with the submission*
5 *of the plan to the Attorney General, shall provide the appropriate*
6 *policy and fiscal committees of both houses of the Legislature with*
7 *a copy of the state plan or plans, including any amendments.*

8 *(c) The plan submitted pursuant to subdivision (b) shall include*
9 *a budget or expenditure plan consistent with the requirements of*
10 *the Race to the Top program and application. At a minimum, the*
11 *plan shall address how the Race to the Top program funds and*
12 *any other applicable federal funds shall be used to provide*
13 *resources to the low-achieving and persistently lowest-achieving*
14 *schools as defined in this chapter. These resources may include,*
15 *but are not necessarily limited to, professional development,*
16 *technical assistance, and partnering with schools that have*
17 *successfully transitioned from low- to higher-performing status.*

18 *(d) It is the intent of the Legislature that funding for local*
19 *educational agencies be the highest priority in the allocation of*
20 *Race to the Top program funds.*

21 *53102. (a) On or before January 1, 2011, the Superintendent*
22 *shall contract for an independent for evaluation of the*
23 *implementation and impact of the state plan submitted in*
24 *application for a federal Race to the Top Fund competitive grant*
25 *award.*

26 *(b) On or before September 1, 2010, the Superintendent shall*
27 *convene a working group consisting of staff representing the policy*
28 *and fiscal committees of both houses of the Legislature, the*
29 *Legislative Analyst's Office, the Department of Finance, the*
30 *Governor, the state board, and the department to do all of the*
31 *following:*

32 *(1) Jointly develop the parameters of the evaluation.*

33 *(2) Make recommendations regarding development of any*
34 *request for proposals or request for applications used to solicit*
35 *contract proposals, and regarding the selection of the independent*
36 *evaluator.*

37 *(c) The Superintendent shall provide to the Legislature, the*
38 *Governor, and the state board:*

39 *(1) An interim evaluation report on or before June 1, 2012.*

40 *(2) The final evaluation report on or before June 1, 2014.*

1 (d) *The department shall use federal funds made available from*
2 *the Race to the Top Fund and detailed in the expenditure plan*
3 *required pursuant to subdivision (c) of Section 53201 for the*
4 *purpose of contracting for this evaluation.*

5 53103. *The Legislature finds and declares that this act is*
6 *declaratory of the requirements and definitions specified in the*
7 *federal guidelines for the federal Race to the Top Fund. It is the*
8 *intent of the Legislature that, to the extent that the federal*
9 *guidelines are revised, the state plan or plans also be revised*
10 *accordingly.*

11
12 Article 2. *Intervening in the Persistently Lowest-Achieving*
13 *Schools*

14
15 53200. *For purposes of this article, the following definitions*
16 *apply:*

17 (a) *“Low-achieving school” means a school described in*
18 *subdivision (a) of Section 53201.*

19 (b) *“Persistently lowest-achieving school” means a school*
20 *identified pursuant to subdivisions (a) to (e), inclusive, of Section*
21 *53201.*

22 53201. *The Superintendent shall establish a list of schools*
23 *according to the following:*

24 (a) *Identify any Title I school in improvement, corrective action,*
25 *or restructuring.*

26 (b) *Identify the lowest 5 percent of the schools in subdivision*
27 *(a) as measured by the Academic Performance Index, using the*
28 *most recent data available.*

29 (c) *Add to the schools identified pursuant to subdivisions (a) to*
30 *(b), inclusive, any high school that has had a graduation rate, as*
31 *defined in Section 200.19(b) of Title 34 of the Code of Federal*
32 *regulations, that is less than 60 percent in each of the previous*
33 *three years.*

34 (d) *To the extent allowable under federal law, exclude from the*
35 *schools identified pursuant to subdivisions (a) to (c), inclusive, a*
36 *school that meets any of the following, except as provided in*
37 *subdivision (e):*

38 (1) *The school is a county community school operated pursuant*
39 *to Chapter 6.5 (commencing with Section 1980) of Part 2 of*
40 *Division 1 of Title 1.*

1 (2) *The school is a juvenile court school operated pursuant to*
2 *Article 2.5 (commencing with Section 48645) of Chapter 4 of Part*
3 *27.*

4 (3) *The school provides educational services exclusively to*
5 *individuals with exceptional needs as defined in Section 56026.*

6 (4) *The school has experienced academic growth of at least 50*
7 *points over the previous five years as measured by the Academic*
8 *Performance Index, using the most recent data available.*

9 (e) *Notwithstanding subdivision (d), a school that meets any of*
10 *the criteria in subdivision (d) shall not be excluded from the*
11 *schools identified pursuant to subdivisions (a) to (c), inclusive, if*
12 *both the Superintendent and the state board find cause not to*
13 *exclude the school.*

14 (f) *To the extent allowable under federal law, a community day*
15 *school, operated pursuant to Article 3 (commencing with Section*
16 *48660) of Chapter 4 of Part 27, may be excluded from the schools*
17 *identified pursuant to subdivisions (a) to (c), inclusive, if both the*
18 *Superintendent and the state board find cause to exclude the*
19 *school.*

20 53201.5. *The Superintendent shall notify the governing board*
21 *of a school district, county superintendent of schools, or the*
22 *governing body of a charter school or its equivalent, that one or*
23 *more of the schools in its jurisdiction have been identified as a*
24 *persistently lowest-achieving school.*

25 53202. (a) *For purposes of implementing the federal Race to*
26 *the Top program established by Sections 14005 and 14006 of Title*
27 *XIV of the federal American Recovery and Reinvestment Act of*
28 *2009 (Public Law 111-5), the governing board of a school district,*
29 *county superintendent of schools, or the governing body of a*
30 *charter school or its equivalent, shall implement, for any school*
31 *identified by the Superintendent as persistently lowest-achieving*
32 *pursuant to subdivision (b) of Section 53200, unless the*
33 *Superintendent and the state board determines, to the extent*
34 *allowable under federal law, that the school has implemented a*
35 *reform within the last two years that conforms to the requirements*
36 *of the interventions required by the Race to the Top program and*
37 *is showing significant progress, one of the following four*
38 *interventions for turning around persistently lowest-achieving*
39 *schools described in Appendix C of the Notice of Final Priorities,*
40 *Requirements, Definitions, Selection Criteria for the Race to the*

1 *Top program published in Volume 74 of Number 221 of the Federal*
2 *Register on November 18, 2009:*

3 *(1) The turnaround model.*

4 *(2) The restart model.*

5 *(3) School closure.*

6 *(4) The transformation model.*

7 *(b) Prior to the governing board meeting to select one of the*
8 *four interventions described in subdivision (a), the governing board*
9 *of a school district, superintendent of schools, or the governing*
10 *body of a charter school or its equivalent, with one or more*
11 *persistently lowest-achieving schools shall hold at least two public*
12 *hearings to notify staff, parents, and the community of the*
13 *designation and to seek input from staff, parents, and the*
14 *community regarding the option or options most suitable for the*
15 *applicable school or schools in its jurisdiction. At least one of*
16 *those public hearings shall be held at a regularly scheduled*
17 *meeting, if applicable, and at least one of the public hearings shall*
18 *be held on the site of a school deemed persistently*
19 *lowest-achieving.*

20 *(c) In addition to meeting the requirements specified in Appendix*
21 *C of the Notice of Final Priorities, Requirements, Definitions,*
22 *Selection Criteria for the Race to the Top program published in*
23 *Volume 74 of Number 221 of the Federal Register on November*
24 *18, 2009, a persistently lowest-achieving school implementing the*
25 *turnaround or transformation model may participate in a*
26 *school-to-school partnership program by working with a mentor*
27 *school that has successfully transitioned from a low-achieving*
28 *school to a higher-achieving school.*

29 *(1) For purposes of this article, a mentor school is a school that*
30 *meets either of the following:*

31 *(A) The school has exited Program Improvement pursuant to*
32 *the No Child Left Behind Act.*

33 *(B) The school has increased, in the statewide rankings based*
34 *on the Academic Performance Index, by two or more deciles over*
35 *the last five years, using the most recent data available.*

36 *(2) The principal and, at the discretion of the principal, the staff*
37 *of a mentor school shall provide guidance to a persistently*
38 *lowest-achieving school to develop a reform plan for the school*
39 *using the required elements of the turnaround or transformation*
40 *model, and provide guidance and advice on how the mentor school*

1 was able to transform the culture of the school from low-achieving
2 to higher-achieving and how that transformation could be
3 replicated at the school implementing a turnaround or
4 transformation model.

5 (3) To the extent that federal funds are made available for this
6 purpose pursuant to subdivision (c) of Section 53101, the mentor
7 school shall receive funds for serving as a mentor school. As a
8 condition for receipt of funds, the principal, and at the principal's
9 discretion, the staff, of a mentor school shall meet regularly with
10 the assigned persistently lowest-achieving school for a period of
11 at least three years.

12 53203. (a) The regional consortia authorized under Section
13 52059, in collaboration with the department, from funds provided
14 for this purpose pursuant to subdivision (c) of Section 53101, shall
15 provide, at a minimum, technical assistance and support to local
16 educational agencies with one or more persistently
17 lowest-achieving schools to assist with the implementation of the
18 duties specified for any of the four interventions for persistently
19 lowest-achieving schools pursuant to Section 53202.

20 (b) Funds for the regional consortia shall be distributed based
21 on the number of persistently lowest-achieving schools identified
22 pursuant to this section and the pupil enrollment of these schools.

23 (c) It is the intent of the Legislature that the regional consortia
24 coordinate the duties described in subdivision (a) with the duties
25 performed pursuant to Section 52059 as it relates to schools and
26 districts identified in program improvement pursuant to the federal
27 No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.).

28 (d) The areas of technical assistance and support pursuant to
29 this section may include, but are not limited to, any of the
30 following:

31 (1) Identifying strategies that are designed to recruit, place,
32 and retain staff with the skills necessary to meet the needs of the
33 pupils at the school, including financial incentives, increased
34 opportunities for promotion and career growth, and more flexible
35 work conditions.

36 (2) Identifying strategies that provide increased instructional
37 time.

38 (3) Implementing any of the professional development activities
39 authorized in the state's plan or application submitted for the
40 federal Race to the Top program.

1 (4) *Developing a new governance structure that may include*
2 *the establishment of a new turnaround office, located within the*
3 *local educational agency or the department, that a school*
4 *implementing the turnaround model will report to.*

5 (5) *Developing social-emotional and community-oriented*
6 *services, including strategies for parental involvement and services*
7 *that can be located at the schoolsite.*

8 (6) *Identifying, reviewing, and recommending quality charter*
9 *school operators, charter management organizations, or education*
10 *management organizations that can operate a persistently*
11 *lowest-achieving school.*

12 (7) *Identifying higher-achieving schools in the school district,*
13 *including charter schools, to relocate pupils attending a school*
14 *that is scheduled for closure.*

15 (8) *Developing, in consultation with teachers and principals, a*
16 *rigorous, transparent, and equitable evaluation system for teachers*
17 *and principals that includes the use of pupil growth data and other*
18 *factors such as multiple observation-based assessments that all*
19 *schools implementing the turnaround or transformation model*
20 *may use.*

21 (9) *Identifying strategies to identify and reward school leaders,*
22 *teachers, and other staff who, in implementing the transformation*
23 *model, have increased pupil achievement and high school*
24 *graduation rates and have identified and removed those, who,*
25 *after ample opportunities, have been provided for them to improve*
26 *their professional practice, have not done so.*

27 (10) *Identifying and approving mentor schools pursuant to*
28 *subdivision (c) of Section 53202. The regional consortia shall first*
29 *seek eligible mentor schools located within the district of each of*
30 *the schools implementing the turnaround or transformation model.*

31 (11) *Consistent with the collective bargaining agreement,*
32 *assisting a local educational agency in doing any of the following:*

33 (A) *Meeting federal guidelines under Appendix C of the Notice*
34 *of Final Priorities, Requirements, Definitions, Selection Criteria*
35 *for the federal Race to the Top program published in Volume 74*
36 *of Number 221 of the Federal Register on November 18, 2009,*
37 *which encourages the state to ensure that persistently*
38 *lowest-achieving schools are not required to accept a teacher*
39 *without mutual consent of the teacher and principal, regardless*
40 *of the teacher's seniority.*

1 (B) Implementing schoolsite-based teacher hiring decisions.
2 (C) Giving persistently lowest-achieving schools first priority
3 in selecting from the qualified district applicant pool, among those
4 teachers who have specifically applied to work at the school.

5
6 Article 3. Parent Empowerment
7

8 53300. For any school not identified as a persistently
9 lowest-achieving school under Section 53201 which, after one full
10 school year, is subject to corrective action pursuant to paragraph
11 (7) of Section 1116(b) of the federal Elementary and Secondary
12 Education Act (20 U.S.C. Sec 6301 et seq.) and continues to fail
13 to make adequate yearly progress, and where at least one-half of
14 the parents or legal guardians of pupils attending the school, or
15 a combination of at least one-half of the parents or legal guardians
16 of pupils attending the school and the elementary or middle schools
17 that normally matriculate into a middle or high school, as
18 applicable, sign a petition requesting the local educational agency
19 to implement one or more of the four interventions identified
20 pursuant to paragraphs (1) to (4), inclusive of subdivision (a) of
21 Section 53202 or the federally mandated alternative governance
22 arrangement pursuant to Section 1116(b)(8)(B)(v) of the federal
23 Elementary and Secondary Education Act (20 U.S.C. Sec. 6301 et
24 seq.), the local educational agency shall implement the option
25 requested by the parents unless, in a regularly scheduled public
26 hearing, the local educational agency makes a finding in writing
27 stating the reason it cannot implement the specific recommended
28 option and instead designates in writing which of the other options
29 described in this section it will implement in the subsequent school
30 year consistent with requirements specified in federal regulations
31 and guidelines for schools subject to restructuring under Section
32 1116(b)(8) of the federal Elementary and Secondary Education
33 Act (20 U.S.C. Sec. 6301 et seq.) and regulations and guidelines
34 for the four interventions.

35 53301. (a) The local educational agency shall notify the
36 Superintendent and the state board upon receipt of a petition under
37 Section 53300 and upon its final disposition of that petition.

38 (b) If the local educational agency indicates in writing that it
39 will implement in the upcoming school year a different alternative
40 governance arrangement than requested by the parents, the local

1 *educational agency shall notify the Superintendent and the state*
2 *board that the alternative governance option selected has*
3 *substantial promise of enabling the school to make adequate yearly*
4 *progress as defined in the federally mandated state plan under*
5 *Section 1111(b)(2) of the federal Elementary and Secondary*
6 *Education Act (20 U.S.C. Sec. 6301 et seq.).*

7 53302. *No more than 75 schools shall be subject to a petition*
8 *authorized by this article.*

9 *(b) A petition shall be counted toward this limit upon the*
10 *Superintendent and state board receiving notice from the local*
11 *educational agency of its final disposition of the petition.*

12 53303. *A local educational agency shall not be required to*
13 *implement the option requested by the parent petition if the request*
14 *is for reasons other than improving academic achievement or pupil*
15 *safety.*

16 SEC. 8. *Section 60601 of the Education Code is amended to*
17 *read:*

18 60601. *This chapter shall ~~remain in effect only until January~~*
19 *~~1, 2012,~~ become inoperative on July 1, 2013, and as of that date*
20 *January 1, 2014, is repealed, unless a later enacted statute that is*
21 *enacted before January 1, ~~2012~~ 2014, deletes or extends that date*
22 *the dates on which it becomes inoperative and is repealed.*

23 SEC. 9. *Section 60603 of the Education Code is amended to*
24 *read:*

25 60603. ~~(a)~~ *As used in this chapter:*

26 ~~(1)~~

27 (a) *“Achievement test” means any standardized test that*
28 *measures the level of performance that a pupil has achieved in the*
29 *core curriculum areas.*

30 ~~(2)~~

31 (b) *“Assessment of applied academic skills” means a form of*
32 *assessment that requires pupils to demonstrate their knowledge*
33 *of, and ability to apply, academic knowledge and skills in order*
34 *to solve problems and communicate. It may include, but is not*
35 *limited to, writing an essay response to a question, conducting an*
36 *experiment, or constructing a diagram or model. An assessment*
37 *of applied academic skills may not include assessments of personal*
38 *behavioral standards or skills, including, but not limited to, honesty,*
39 *sociability, ethics, or self-esteem.*

40 ~~(3)~~

1 (c) “Basic academic skills” means those skills in the subject
2 areas of reading, spelling, written expression, and mathematics
3 that provide the necessary foundation for mastery of more complex
4 intellectual abilities, including the synthesis and application of
5 knowledge.

6 ~~(4)~~

7 (d) “Content standards” means the specific academic knowledge,
8 skills, and abilities that all public schools in this state are expected
9 to teach and all pupils expected to learn in each of the core
10 curriculum areas, at each grade level tested.

11 ~~(5)~~

12 (e) “Core curriculum areas” means the areas of reading, writing,
13 mathematics, history-social science, and science.

14 ~~(6)~~

15 (f) “Diagnostic assessment” means interim assessments of the
16 current level of achievement of a pupil that serves both of the
17 following purposes:

18 ~~(A)~~

19 (1) The identification of particular academic standards or skills
20 a pupil has or has not yet achieved.

21 ~~(B)~~

22 (2) The identification of possible reasons that a pupil has not
23 yet achieved particular academic standards or skills.

24 ~~(7)~~

25 (g) “Direct writing assessment” means an assessment of applied
26 academic skills that requires pupils to use written expression to
27 demonstrate writing skills, including writing mechanics, grammar,
28 punctuation, and spelling.

29 ~~(8)~~

30 (h) “End of course exam” means a comprehensive and
31 challenging assessment of pupil achievement in a particular subject
32 area or discipline.

33 ~~(9)~~

34 (i) “Performance standards” are standards that define various
35 levels of competence at each grade level in each of the curriculum
36 areas for which content standards are established. Performance
37 standards gauge the degree to which a pupil has met the content
38 standards and the degree to which a school or school district has
39 met the content standards.

40 ~~(10)~~

1 (j) “Publisher” means a commercial publisher or any other public
2 or private entity, other than the department, which is able to provide
3 tests or test items that meet the requirements of this chapter.

4 ~~(H)~~

5 (k) “Statewide pupil assessment program” means the systematic
6 achievement testing of pupils in grades 2 to 11, inclusive, pursuant
7 to the standardized testing and reporting program under Article 4
8 (commencing with Section 60640) and the assessment of basic
9 academic skills and applied academic skills, administered to pupils
10 in grade levels specified in subdivision (c) of Section 60605,
11 required by this chapter in all schools within each school district
12 by means of tests designated by the state board.

13 ~~(b) This section shall become inoperative on July 1, 2011.~~

14 *SEC. 10. Section 60604 of the Education Code is amended to*
15 *read:*

16 60604. (a) The Superintendent shall design and implement,
17 consistent with the timetable and plan required pursuant to
18 subdivision (b), a statewide pupil assessment program consistent
19 with the testing requirements of this article in accordance with the
20 objectives set forth in Section 60602. That program shall include
21 all of the following:

22 (1) A plan for producing valid, reliable, and comparable
23 individual pupil scores in grades 2 to 11, inclusive, and a
24 comprehensive analysis of these scores based on the results of the
25 achievement test designated by the state board that assesses a broad
26 range of basic academic skills pursuant to the Standardized Testing
27 and Reporting (STAR) Program established by Article 4
28 (commencing with Section 60640).

29 (2) A method of working with publishers to ensure valid,
30 reliable, and comparable individual, grade-level, school-level,
31 district-level, county-level, and statewide scores in grades 2 to 11,
32 inclusive.

33 (3) Statewide academically rigorous content and performance
34 standards that reflect the knowledge and skills that pupils will need
35 in order to succeed in the information-based, global economy of
36 the 21st century. These skills shall not include personal behavioral
37 standards or skills, including, but not limited to, honesty,
38 sociability, ethics, or self-esteem.

39 (4) A statewide system that provides the results of testing in a
40 manner that reflects the degree to which pupils are achieving the

1 academically rigorous content and performance standards adopted
2 by the state board.

3 (5) The alignment of assessment with the statewide academically
4 rigorous content and performance standards adopted by the state
5 board.

6 (6) The active, ongoing involvement of parents, classroom
7 teachers, administrators, other educators, governing board members
8 of school districts, and the public in all phases of the design and
9 implementation of the statewide pupil assessment program.

10 (7) The development of a contract or contracts with a publisher
11 or publishers, after the approval of statewide academically rigorous
12 content standards by the state board, for the development of
13 performance standards and assessments of applied academic skills
14 designed to test pupils' knowledge of academic skills and abilities
15 to apply that knowledge and those skills in order to solve problems
16 and communicate.

17 (b) The Superintendent shall develop and annually update for
18 the Legislature a five-year cost projection, implementation plan,
19 and timetable for implementing the program described in
20 subdivision (a). The annual update shall be submitted on or before
21 March 1 of each year to the chairperson of the fiscal subcommittee
22 considering budget appropriations in each house. The update shall
23 explain any significant variations from the five-year cost projection
24 for the current year budget and the proposed budget.

25 (c) The Superintendent shall provide each school district with
26 guidelines for professional development that are designed to assist
27 classroom teachers to use the results of the assessments
28 administered pursuant to this chapter to modify instruction for the
29 purpose of improving pupil learning. These guidelines shall be
30 developed in consultation with classroom teachers and approved
31 by the state board before dissemination.

32 (d) The Superintendent and the state board shall consider
33 comments and recommendations from school districts and the
34 public in the development, adoption, and approval of assessment
35 instruments.

36 (e) The results of the achievement test administered pursuant
37 to Article 4 (commencing with Section 60640) shall be returned
38 to the school district within the period of time specified by the
39 state board.

40 ~~(f) This section shall become inoperative on July 1, 2011.~~

1 *SEC. 11. Section 60604.5 is added to the Education Code, to*
2 *read:*

3 *60604.5. It is the intent of the Legislature that the*
4 *reauthorization of the statewide pupil assessment program includes*
5 *all of the following:*

6 *(a) A plan for transitioning to a system of high-quality*
7 *assessments, as defined in the federal Race to the Top guidance*
8 *and regulations.*

9 *(b) Alignment with the standards developed pursuant to*
10 *subdivision (d) of Section 60605.8.*

11 *(c) Any common assessments aligned with the standards*
12 *developed pursuant to subdivision (d) of Section 60605.8.*

13 *(d) Conforms to the assessment requirements of any*
14 *reauthorization of the federal Elementary and Secondary Education*
15 *Act or any other federal law that effectively replaces that act.*

16 *SEC. 12. Section 60605.6 of the Education Code is amended*
17 *to read:*

18 *60605.6. Subject to the availability of funds appropriated in*
19 *the annual Budget Act for this purpose, the Superintendent, upon*
20 *approval of the state board, shall contract for the development and*
21 *distribution of workbooks, as follows:*

22 *(a) One workbook to be distributed to all pupils in grade 10.*
23 *This workbook shall contain information on the proficiency levels*
24 *that must be demonstrated by pupils on the high school exit*
25 *examination described in Chapter 9 (commencing with Section*
26 *60850). The workbook also shall contain sample questions, with*
27 *explanations describing how these sample questions test pupil*
28 *knowledge of the language arts and mathematics content standards*
29 *adopted by the state board pursuant to Section 60605.*

30 *(b) Separate workbooks for each of grades 2 to 11, inclusive.*
31 *Each pupil in grades 2 to 11, inclusive, who is required to take the*
32 *achievement tests described in Section 60642.5 shall receive a*
33 *copy of the workbook designed for the same grade level in which*
34 *the pupil is enrolled. These workbooks shall contain material to*
35 *assist pupils and their parents with standards-based learning,*
36 *including the grade appropriate academic content standards adopted*
37 *by the state board pursuant to Section 60605 and sample questions*
38 *that require knowledge of these standards to answer. The*
39 *workbooks also shall describe how the sample questions test*
40 *knowledge of the state board adopted academic content standards.*

1 ~~(e) This section shall become inoperative on July 1, 2011.~~

2 SEC. 13. Section 60605.7 is added to the Education Code, to
3 read:

4 60605.7. The Superintendent, the state board, and any other
5 entity or individual designated by the Governor shall participate
6 in the Common Core State Standards Initiative consortium
7 sponsored by the National Governors Association and the Council
8 of Chief State School Officers or any associated or related
9 interstate collaboration to jointly develop common high-quality
10 standards or assessments aligned with the common set of
11 standards.

12 SEC. 14. Section 60605.8 is added to the Education Code, to
13 read:

14 60605.8. (a) There is hereby established the Academic Content
15 Standards Commission. The commission shall consist of 21
16 members, appointed as follows:

17 (1) Eleven members appointed by the Governor.

18 (2) Five members appointed by the Senate Committee on Rules.

19 (3) Five members appointed by the Speaker of the Assembly.

20 (b) Members of the commission shall serve at the pleasure of
21 the appointing authority.

22 (c) Not less than half of the members appointed by each of the
23 appointing authorities pursuant to subdivision (a) shall be current
24 elementary or secondary classroom teachers.

25 (d) The commission shall develop academic content standards
26 in language arts and mathematics. The standards shall be
27 internationally benchmarked and build toward college and career
28 readiness by the time of high school graduation. Unless otherwise
29 allowed by the Secretary of the United States Department of
30 Education, at least 85 percent of these standards shall be the
31 common core academic standards developed by the consortium
32 or interstate collaboration set forth in Section 60605.7.

33 (e) Pursuant to the Bagley-Keene Act, Article 9 (commencing
34 with Sec. 11120) of Division 3 of Title 2 of the Government Code,
35 all meetings and hearings of the commission shall be open and
36 available to the public.

37 (e) On or before July 15, 2010, the commission shall present
38 its recommended academic content standards to the state board.

39 (f) On or before August 2, 2010, the state board shall do either
40 of the following:

1 (1) *Adopt the academic content standards as proposed by the*
2 *commission.*

3 (2) *Reject the academic content standards as proposed by the*
4 *commission. If the state board rejects the standards it shall provide*
5 *a specific written explanation to the Superintendent, the Governor,*
6 *and the Legislature of the reasons why the proposed standards*
7 *were rejected.*

8 (g) *The Superintendent and state board shall present to the*
9 *Governor and to the appropriate policy and fiscal committees of*
10 *the Legislature a schedule and implementation plan for integrating*
11 *the academic content standards adopted pursuant to this section*
12 *into the state educational system.*

13 SEC. 15. *Section 60605.9 is added to the Education Code, to*
14 *read:*

15 60605.9. *Notwithstanding any other provision of law, the*
16 *limitation in paragraph (6) of subdivision (c) of Section 60200,*
17 *which requires that other criteria be approved at least 30 months*
18 *prior to the date that the materials are to be approved for adoption,*
19 *shall not apply to instructional materials adopted by the state*
20 *board that are aligned with the content standards adopted pursuant*
21 *to Section 60605.8 in each of the content areas for which standards*
22 *are revised or adopted.*

23 SEC. 16. *Section 60606 of the Education Code is amended to*
24 *read:*

25 60606. (a) *After adopting an assessment of applied academic*
26 *skills for use in grades 4, 5, 8, and 10 pursuant to Section 60605,*
27 *the state board shall submit the instrument, once designated or*
28 *adopted, for review by the Statewide Pupil Assessment Review*
29 *Panel, which is hereby established.*

30 (b) *The panel shall consist of six members. Three members shall*
31 *be appointed by the Governor, one member shall be appointed by*
32 *the Senate Committee on Rules, one member shall be appointed*
33 *by the Speaker of the Assembly, and one member shall be*
34 *appointed by the Superintendent. A majority of the panel shall*
35 *consist of parents whose children attend public schools in the state*
36 *in kindergarten and grades 1 to 12, inclusive.*

37 (c) *Panel members shall serve two-year terms, without*
38 *compensation. No panel member shall serve more than two*
39 *consecutive terms.*

(d) The panel shall review the instrument specified in subdivision (a) in order to ensure that the content of the instrument complies with the requirements of Section 60614. Notwithstanding any other provision of law, the panel may meet in closed session with a publisher for the purpose of addressing questions and clarifying issues that relate to ensuring that the content of the publisher's test or assessment, as the case may be, complies with the requirements of Section 60614.

(e) The panel shall report its findings and recommendations to the state board within 10 days of its receipt of the instrument. If the panel fails to report within the required 10 days, the test or assessment shall be deemed acceptable to the panel.

~~(f) This section shall become inoperative on July 1, 2011.~~

SEC. 17. Section 60640 of the Education Code is amended to read:

60640. (a) There is hereby established the Standardized Testing and Reporting Program, to be known as the STAR Program.

(b) From the funds available for that purpose, each school district, charter school, and county office of education shall administer to each of its pupils in grades 2 to 11, inclusive, the standards-based achievement test provided for in Section 60642.5. The state board shall establish a testing period to provide that all schools administer these tests to pupils at approximately the same time during the instructional year, except as necessary to ensure test security and to meet the final filing date.

(c) The publisher and the school district shall provide two makeup days for the testing of previously absent pupils within the testing period established by the state board in subdivision (b).

(d) The governing board of the school district may administer achievement tests in grades other than those required by subdivision (b) as it deems appropriate.

(e) Pursuant to Section 1412(a)(17) of Title 20 of the United States Code, individuals with exceptional needs, as defined in Section 56026, shall be included in the testing requirement of subdivision (b) with appropriate accommodations in administration, where necessary, and those individuals with exceptional needs who are unable to participate in the testing, even with accommodations, shall be given an alternate assessment.

(f) (1) At the option of the school district, pupils with limited English proficiency who are enrolled in any of grades 2 to 11,

1 inclusive, may take a second achievement test in their primary
2 language. Primary language tests administered pursuant to this
3 subdivision and subdivision (g) shall be subject to the requirements
4 of subdivision (a) of Section 60641. These primary language tests
5 shall produce individual pupil scores that are valid and reliable.

6 (2) Notwithstanding any other law, the state board shall
7 designate for use, as part of this program, a single primary language
8 test in each language for which a test is available for grades 2 to
9 11, inclusive, pursuant to the process used for designation of the
10 assessment chosen in the 1997–98 fiscal year, as specified in
11 Section 60643, as applicable.

12 (3) (A) The department shall use funds made available pursuant
13 to Title VI of the federal No Child Left Behind Act of 2001 (20
14 U.S.C. Sec. 6301 et seq.) and appropriated by the annual Budget
15 Act for the purpose of developing and adopting primary language
16 assessments that are aligned to the state academic content
17 standards. Subject to the availability of funds, primary language
18 assessments shall be developed and adopted for reading/language
19 arts and mathematics in the dominant primary language of
20 limited-English-proficient pupils. The dominant primary language
21 shall be determined by the count in the annual language census of
22 the primary language of each limited-English-proficient pupil
23 enrolled in the California public schools.

24 (B) Once a dominant primary language assessment is available
25 for use for a specific grade level, it shall be administered in place
26 of the assessment designated pursuant to paragraph (1) for that
27 grade level.

28 (C) In choosing a contractor to develop a primary language
29 assessment the state board shall consider the criteria for choosing
30 a contractor or test publisher as specified by Section 60643, and
31 as specified by Section 60642.5, as applicable.

32 (D) Subject to the availability of funds, the assessments shall
33 be developed in grade order starting with the lowest grade subject
34 to the STAR Program.

35 (E) If the state board contracts for the development of primary
36 language assessments or test items to augment an existing
37 assessment, the state shall retain ownership rights to the assessment
38 and the test items. With the approval of the state board, the
39 department may license the test for use in other states subject to a
40 compensation agreement approved by the Department of Finance.

1 (F) On or before January 1, 2006, the department shall submit
2 to the Legislature a report on the development and implementation
3 of the initial primary language assessments and recommendations
4 on the development and implementation of future assessments and
5 funding requirements.

6 (g) A pupil identified as limited English proficient pursuant to
7 the administration of a test made available pursuant to Section
8 60810 who is enrolled in any of grades 2 to 11, inclusive, and who
9 either receives instruction in his or her primary language or has
10 been enrolled in a school in the United States for less than 12
11 months shall be required to take a test in his or her primary
12 language if a test is available.

13 (h) (1) The Superintendent shall apportion funds to school
14 districts to enable school districts to meet the requirements of
15 subdivisions (b), (e), (f), and (g).

16 (2) The state board annually shall establish the amount of
17 funding to be apportioned to school districts for each test
18 administered and annually shall establish the amount that each
19 publisher shall be paid for each test administered under the
20 agreements required pursuant to Section 60643. The amounts to
21 be paid to the publishers shall be determined by considering the
22 cost estimates submitted by each publisher each September and
23 the amount included in the annual Budget Act, and by making
24 allowance for the estimated costs to school districts for compliance
25 with the requirements of subdivisions (b), (e), (f), and (g).

26 (3) An adjustment to the amount of funding to be apportioned
27 per test shall not be valid without the approval of the Director of
28 Finance. A request for approval of an adjustment to the amount
29 of funding to be apportioned per test shall be submitted in writing
30 to the Director of Finance and the chairpersons of the fiscal
31 committees of both houses of the Legislature with accompanying
32 material justifying the proposed adjustment. The Director of
33 Finance is authorized to approve only those adjustments related
34 to activities required by statute. The Director of Finance shall
35 approve or disapprove the amount within 30 days of receipt of the
36 request and shall notify the chairpersons of the fiscal committees
37 of both houses of the Legislature of the decision.

38 (i) For purposes of making the computations required by Section
39 8 of Article XVI of the California Constitution, the appropriation
40 for the apportionments made pursuant to paragraph (1) of

subdivision (h), and the payments made to the publishers under the contracts required pursuant to Section 60643 or subparagraph (C) of paragraph (1) of subdivision (a) of Section 60605 between the department and the contractor, are “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202, for the applicable fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202, for that fiscal year.

(j) As a condition to receiving an apportionment pursuant to subdivision (h), a school district shall report to the Superintendent all of the following:

(1) The number of pupils enrolled in the school district in grades 2 to 11, inclusive.

(2) The number of pupils to whom an achievement test was administered in grades 2 to 11, inclusive, in the school district.

(3) The number of pupils in paragraph (1) who were exempted from the test at the request of their parents or guardians.

(k) The Superintendent and the state board are authorized and encouraged to assist postsecondary educational institutions to use the assessment results of the California Standards Tests, including, but not limited to, the augmented California Standards Tests, for academic credit, placement, or admissions processes.

(l) The Superintendent, with the approval of the state board, annually shall release to the public test items from the standards-based achievement tests pursuant to Section 60642.5 administered in previous years. The minimum number of test items released per year shall be equal to 25 percent of the total number of test items on the test administered in the previous year.

~~(m) This section shall become inoperative on July 1, 2011.~~

SEC. 18. Section 60643 of the Education Code is amended to read:

60643. (a) To be eligible for consideration under Section 60642.5 by the state board, test publishers shall agree in writing each year to meet the following requirements, as applicable, if selected:

(1) Enter into an agreement, pursuant to subdivision (e) or (f), with the department by October 15 of that year.

1 (2) Align the standards-based achievement test provided for in
2 Section 60642.5 to the academically rigorous content and
3 performance standards adopted by the state board.

4 (3) Comply with subdivisions (c) and (d) of Section 60645.

5 (4) Provide valid and reliable individual pupil scores to parents
6 or guardians, teachers, and school administrators.

7 (5) Provide valid and reliable aggregate scores to school districts
8 and county boards of education in all of the following forms and
9 formats:

10 (A) Grade level.

11 (B) School level.

12 (C) District level.

13 (D) Countywide.

14 (E) Statewide.

15 (F) Comparison of statewide scores relative to other states.

16 (6) Provide disaggregated scores, based on
17 limited-English-proficient status and nonlimited-English-proficient
18 status. For purposes of this section, pupils with
19 “nonlimited-English-proficient status” shall include the total of
20 those pupils who are English-only pupils, fluent-English-proficient
21 pupils, and redesignated fluent-English-proficient pupils. These
22 scores shall be provided to school districts and county boards of
23 education in the same forms and formats listed in paragraph (5).

24 (7) Provide disaggregated scores by pupil gender and ethnicity
25 and provide disaggregated scores based on whether pupils are
26 economically disadvantaged or not. These disaggregated scores
27 shall be in the same forms and formats as listed in paragraph (5).
28 In any one year, the disaggregation shall entail information already
29 being collected by school districts, county offices of education, or
30 charter schools.

31 (8) Provide disaggregated scores for pupils who have
32 individualized education programs and have enrolled in special
33 education, to the extent required by federal law. These scores shall
34 be provided in the same forms and formats listed in paragraph (5).
35 This section shall not be construed to exclude the scores of special
36 education pupils from any state or federal accountability system.

37 (9) Provide information listed in paragraphs (5), (6), (7), and
38 (8) to the department and the state board in the medium requested
39 by each entity, respectively.

1 (b) It is the intent of the Legislature that the publisher work with
2 the Superintendent and the state board in developing a methodology
3 to disaggregate statewide scores as required in paragraphs (6) and
4 (7) of subdivision (a), and in determining which variable indicated
5 on the STAR testing document shall serve as a proxy for
6 “economically disadvantaged” status pursuant to paragraph (7) of
7 subdivision (a).

8 (c) Access to information about individual pupils or their
9 families shall be granted to the publisher only for purposes of
10 correctly associating test results with the pupils who produced
11 those results or for reporting and disaggregating test results as
12 required by this section. School districts are prohibited from
13 excluding a pupil from the test if a parent or parents decline to
14 disclose income. This chapter does not abridge or deny rights to
15 confidentiality contained in the federal Family Educational Rights
16 and Privacy Act of 1974 (20 U.S.C. Sec. 1232g) or other applicable
17 state and federal law that protect the confidentiality of information
18 collected by educational institutions.

19 (d) Notwithstanding any other law, the publisher of the
20 standards-based achievement test provided for in Section 60642.5
21 or any contractor under subdivision (f) shall comply with all of
22 the conditions and requirements enumerated in subdivision (a), as
23 applicable, to the satisfaction of the state board.

24 (e) (1) A publisher shall not provide a test described in Section
25 60642.5 or 60650 or in subdivision (f) of Section 60640 for use
26 in California public schools, unless the publisher enters into a
27 written contract with the department as set forth in this subdivision.

28 (2) The department shall develop, and the state board shall
29 approve, a contract to be entered into with a publisher pursuant to
30 paragraph (1). The department may develop the contract through
31 negotiations with the publisher.

32 (3) For purposes of the contracts authorized pursuant to this
33 subdivision, the department is exempt from the requirements of
34 Part 2 (commencing with Section 10100) of Division 2 of the
35 Public Contract Code and from the requirements of Article 6
36 (commencing with Section 999) of Chapter 6 of Division 4 of the
37 Military and Veterans Code.

38 (4) The contracts shall include provisions for progress payments
39 to the publisher for work performed or costs incurred in the
40 performance of the contract. Not less than 10 percent of the amount

1 budgeted for each separate and distinct component task provided
2 for in each contract shall be withheld pending final completion of
3 all component tasks by that publisher. The total amount withheld
4 pending final completion shall not exceed 10 percent of the total
5 contract price.

6 (5) The contracts shall require liquidated damages to be paid
7 by the publisher in the amount of up to 10 percent of the total cost
8 of the contract for any component task that the publisher through
9 its own fault or that of its subcontractors fails to substantially
10 perform by the date specified in the agreement.

11 (6) The contracts shall establish the process and criteria by
12 which the successful completion of each component task shall be
13 recommended by the department and approved by the state board.

14 (7) The publishers shall submit, as part of the contract
15 negotiation process, a proposed budget and invoice schedule, that
16 includes a detailed listing of the costs for each component task
17 and the expected date of the invoice for each completed component
18 task.

19 (8) The contracts shall specify the following component tasks,
20 as applicable, that are separate and distinct:

21 (A) Development of new tests or test items as required by
22 paragraph (2) of subdivision (a).

23 (B) Test materials production or publication.

24 (C) Delivery of test materials to school districts.

25 (D) Test processing, scoring, and analyses.

26 (E) Reporting of test results to the school districts, including,
27 but not limited to, all reports specified in this section.

28 (F) Reporting of test results to the department, including, but
29 not limited to, the electronic files required pursuant to this section.

30 (G) All other analyses or reports required by the Superintendent
31 to meet the requirements of state and federal law and set forth in
32 the agreement.

33 (9) The contracts shall specify the specific reports and data files,
34 if any, that are to be provided to school districts by the publisher
35 and the number of copies of each report or file to be provided.

36 (10) The contracts shall specify the means by which any delivery
37 date for materials to each school district shall be verified by the
38 publisher and the school district.

39 (11) School districts may negotiate a separate agreement with
40 the publisher for any additional materials or services not within

1 the contracts specified in this subdivision, including, but not limited
2 to, the administration of the tests to pupils in grade levels other
3 than grades 2 to 11, inclusive. Any separate agreement is not within
4 the scope of the contract specified in this subdivision.

5 (f) The department, with approval of the state board, may enter
6 into a separate contract for the development or administration of
7 a test authorized pursuant to this part, including, but not limited
8 to, item development, coordination of tests, assemblage of tests
9 or test items, scoring, or reporting. The liquidated damages
10 provision set forth in paragraph (5) of subdivision (e) shall apply
11 to a contract entered into pursuant to this subdivision.

12 ~~(g) This section shall become inoperative on July 1, 2011.~~

13 *SEC. 19. Section 60643.1 of the Education Code is amended*
14 *to read:*

15 60643.1. (a) (1) The test publisher designated by the state
16 board pursuant to Section 60642 shall make available a reading
17 list on the Internet by June 1 of the applicable school year. The
18 reading list shall include an index that correlates ranges of pupil
19 reading scores on the English language arts portion of the
20 achievement test designated pursuant to Section 60642 to titles of
21 materials that would be suitable for pupils in each of grades 2 to
22 11, inclusive, to read in order to improve their reading skills. This
23 reading list shall include titles of books that allow a pupil to
24 practice reading at his or her current reading level and that will
25 assist the pupil in achieving a higher level of proficiency. To the
26 extent possible, the index also shall include information related to
27 the subject matter of each title. At a minimum, the reading list also
28 shall categorize titles by subject matter and identify age-appropriate
29 distinctions in the list.

30 (2) The test publisher, in each school year, shall make available
31 for purchase by school districts a report that provides a numerical
32 distribution of the reading scores of all pupils in California who
33 took the achievement test designated pursuant to Section 60642.

34 (3) The test publisher, in each school year, shall make available
35 for purchase by school districts reading lists that can be distributed
36 to pupils based on a pupil's age and the ranges of scores on the
37 English language arts portion of the achievement test designated
38 pursuant to Section 60642.

39 (4) The requirements of this subdivision shall become operative
40 only upon a determination by the Director of Finance that funds

1 are available to make an adjustment pursuant to subdivision (h)
2 of Section 60640.

3 (b) The state board and the Superintendent jointly shall certify
4 that the process used by the publisher to determine the reading
5 levels of the corresponding reading list pursuant to paragraph (1)
6 of subdivision (a) meets the following criteria:

7 (1) The process is educationally valid.

8 (2) The process results in a reading list for each reading span
9 that provides titles at the pupil's current reading level and the next
10 higher level for challenging practice.

11 (3) The process results in a selection from the universe of titles
12 from the list developed pursuant to subdivision (d) that matches
13 each reading level.

14 (4) The process is unbiased in the selection of publishers' titles
15 from the legal compliance list.

16 (c) The titles listed at each reading level range posted on the
17 Internet and the reading lists made available to school districts
18 pursuant to subdivision (a), at a minimum, shall include all relevant
19 literature materials approved as of September 1, 1999, as being
20 legally compliant pursuant to Article 3 (commencing with Section
21 60040) of Chapter 1 of Part 33, and the titles listed in all of the
22 content area reading and literature lists that are developed and
23 published by the department and that have been determined by the
24 department to meet the relevant reading level as certified pursuant
25 to subdivision (b).

26 (d) By imposing the requirements of this section on publishers,
27 it is not the intent of the Legislature to unfairly disadvantage any
28 publisher who has otherwise met the requirements of this section
29 or of Article 3 (commencing with Section 60040) of Chapter 1 of
30 Part 33.

31 ~~(e) This section shall become inoperative on July 1, 2011.~~

32 *SEC. 20. Section 60900 of the Education Code is amended to*
33 *read:*

34 60900. (a) The department shall contract for the development
35 of proposals which will provide for the retention and analysis of
36 longitudinal pupil achievement data on the tests administered
37 pursuant to Chapter 5 (commencing with Section 60600), Chapter
38 7 (commencing with Section 60810), and Chapter 9 (commencing
39 with Section 60850). The longitudinal data shall be known as the
40 California Longitudinal Pupil Achievement Data System.

1 (b) The proposals developed pursuant to subdivision (a) shall
2 evaluate and determine whether it would be most effective, from
3 both a fiscal and a technological perspective, for the state to own
4 the system. The proposals shall additionally evaluate and determine
5 the most effective means of housing the system.

6 (c) The California Longitudinal Pupil Achievement Data System
7 shall be developed and implemented in accordance with all state
8 rules and regulations governing information technology projects.

9 (d) The system or systems developed pursuant to this section
10 shall be used to accomplish all of the following goals:

11 (1) To provide school districts and the department access to
12 data necessary to comply with federal reporting requirements
13 delineated in the federal No Child Left Behind Act of 2001 (20
14 U.S.C. Sec. 6301 et seq.).

15 (2) To provide a better means of evaluating educational progress
16 and investments over time.

17 (3) To provide local educational agencies information that can
18 be used to improve pupil achievement.

19 (4) To provide an efficient, flexible, and secure means of
20 maintaining longitudinal statewide pupil level data.

21 (5) *To facilitate the ability of the state to publicly report data,*
22 *as specified in Section 6401(e)(2)(D) of the federal America*
23 *COMPETES Act (20 U.S.C. Sec. 9871) and as required by the*
24 *federal American Recovery and Reinvestment Act of 2009 (Public*
25 *Law 111-5).*

26 (6) *To ensure that any data access provided to researchers, as*
27 *required pursuant to the federal Race to the Top regulations and*
28 *guidelines.*

29 (e) In order to comply with federal law as delineated in the No
30 Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), the
31 local educational agency shall retain individual pupil records for
32 each test taker, including all of the following:

33 (1) All demographic data collected from the STAR Program
34 test, high school exit examination, and English language
35 development tests.

36 (2) Pupil achievement data from assessments administered
37 pursuant to the STAR Program, high school exit examination, and
38 English language development testing programs. To the extent
39 feasible, data should include subscore data within each content
40 area.

1 (3) A unique pupil identification number to be identical to the
2 pupil identifier developed pursuant to the California School
3 Information Services, which shall be retained by each local
4 educational agency and used to ensure the accuracy of information
5 on the header sheets of the STAR Program tests, high school exit
6 examination, and the English language development test.

7 (4) All data necessary to compile reports required by the federal
8 No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.),
9 including, but not limited to, dropout and graduation rates.

10 (5) Other data elements deemed necessary by the
11 Superintendent, with approval of the state board, to comply with
12 the federal reporting requirements delineated in the No Child Left
13 Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), *and the American*
14 *Recovery and Reinvestment Act of 2009 (Public Law 111-5)*, after
15 review and comment by the advisory board convened pursuant to
16 subdivision (h). *Prior to the implementation of this paragraph*
17 *with respect to adding data elements to the California Longitudinal*
18 *Pupil Achievement Data System for the purpose of complying with*
19 *the American Recovery and Reinvestment Act of 2009 (Public Law*
20 *111-5), the department and the appropriate postsecondary*
21 *education agencies shall submit an expenditure plan to the*
22 *Department of Finance detailing any administrative costs to the*
23 *department and costs to any local educational agency, if*
24 *applicable. The Department of Finance shall provide to the Joint*
25 *Legislative Budget Committee a copy of the expenditure plan within*
26 *10 days of receipt of the expenditure plan from the department.*

27 (6) *To enable the department, the University of California, the*
28 *California State University, and the Chancellor of the California*
29 *Community Colleges, to meet the requirements prescribed by the*
30 *federal American Recovery and Reinvestment Act of 2009 (Public*
31 *Law 111-5), these entities shall be authorized to obtain quarterly*
32 *wage data, commencing July 1, 2010, on students who have*
33 *attended their respective systems, to assess the impact of education*
34 *on the employment and earnings of those students, to conduct the*
35 *annual analysis of district-level and individual district or*
36 *postsecondary education system performance in achieving priority*
37 *educational outcomes, and to submit the required reports to the*
38 *Legislature and the Governor. The information shall be provided*
39 *to the extent permitted by federal statutes and regulations.*

(f) The California Longitudinal Pupil Achievement Data System shall have all of the following characteristics:

(1) The ability to sort by demographic element collected from the STAR Program tests, high school exit examination, and English language development test.

(2) The capability to be expanded to include pupil achievement data from multiple years.

(3) The capability to monitor pupil achievement on the STAR Program tests, high school exit examination, and English language development test from year to year and school to school.

(4) The capacity to provide data to the state and local educational agencies upon their request.

(g) Data elements and codes included in the system shall comply with Sections 49061 to 49079, inclusive, and Sections 49602 and 56347, with Sections 430 to 438, inclusive, of Title 5 of the California Code of Regulations, with the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code), and with the federal Family Education Rights and Privacy Act (20 U.S.C. Sec. 1232g), Section 1242h of Title 20 of the United States Code, and related federal regulations.

(h) The department shall convene an advisory board consisting of representatives from the state board, the Secretary for Education, the Department of Finance, the State Privacy Ombudsman, the Legislative Analyst's Office, representatives of parent groups, school districts, and local educational agencies, and education researchers to establish privacy and access protocols, provide general guidance, and make recommendations relative to data elements. The department is encouraged to seek representation broadly reflective of the general public of California.

(i) Subject to funding being provided in the annual Budget Act, the department shall contract with a consultant for independent project oversight. The Director of Finance shall review the request for proposals for the contract. The consultant hired to conduct the independent project oversight shall twice annually submit a written report to the Superintendent, the state board, the advisory board, the Director of Finance, the Legislative Analyst, and the appropriate policy and fiscal committees of the Legislature. The report shall include an evaluation of the extent to which the California Longitudinal Pupil Achievement Data System is meeting

1 the goals described in subdivision (d) and recommendations to
2 improve the data system in ensuring the privacy of individual pupil
3 information and providing the data needed by the state and school
4 districts.

5 (j) This section shall be implemented using federal funds
6 received pursuant to the No Child Left Behind Act of 2001 (20
7 U.S.C. Sec. 6301 et seq.), which are appropriated for purposes of
8 this section in Item 6110-113-0890 of Section 2.00 of the Budget
9 Act of 2002 (Chapter 379 of the Statutes of 2002). The release of
10 these funds is contingent on approval of an expenditure plan by
11 the Department of Finance.

12 (k) For purposes of this chapter, a local educational agency shall
13 include a county office of education, a school district, or charter
14 school.

15 *SEC. 21. Section 1095 of the Unemployment Insurance Code*
16 *is amended to read:*

17 1095. The director shall permit the use of any information in
18 his or her possession to the extent necessary for any of the
19 following purposes and may require reimbursement for all direct
20 costs incurred in providing any and all information specified in
21 this section, except information specified in subdivisions (a) to
22 (e), inclusive:

23 (a) To enable the director or his or her representative to carry
24 out his or her responsibilities under this code.

25 (b) To properly present a claim for benefits.

26 (c) To acquaint a worker or his or her authorized agent with his
27 or her existing or prospective right to benefits.

28 (d) To furnish an employer or his or her authorized agent with
29 information to enable him or her to fully discharge his or her
30 obligations or safeguard his or her rights under this division or
31 Division 3 (commencing with Section 9000).

32 (e) To enable an employer to receive a reduction in contribution
33 rate.

34 (f) To enable federal, state, or local government departments
35 or agencies, subject to federal law, to verify or determine the
36 eligibility or entitlement of an applicant for, or a recipient of, public
37 social services provided pursuant to Division 9 (commencing with
38 Section 10000) of the Welfare and Institutions Code, or Part A of
39 Title IV of the Social Security Act, where the verification or

1 determination is directly connected with, and limited to, the
2 administration of public social services.

3 (g) To enable county administrators of general relief or
4 assistance, or their representatives, to determine entitlement to
5 locally provided general relief or assistance, where the
6 determination is directly connected with, and limited to, the
7 administration of general relief or assistance.

8 (h) To enable state or local governmental departments or
9 agencies to seek criminal, civil, or administrative remedies in
10 connection with the unlawful application for, or receipt of, relief
11 provided under Division 9 (commencing with Section 10000) of
12 the Welfare and Institutions Code or to enable the collection of
13 expenditures for medical assistance services pursuant to Part 5
14 (commencing with Section 17000) of Division 9 of the Welfare
15 and Institutions Code.

16 (i) To provide any law enforcement agency with the name,
17 address, telephone number, birth date, social security number,
18 physical description, and names and addresses of present and past
19 employers, of any victim, suspect, missing person, potential
20 witness, or person for whom a felony arrest warrant has been
21 issued, when a request for this information is made by any
22 investigator or peace officer as defined by Sections 830.1 and
23 830.2 of the Penal Code, or by any federal law enforcement officer
24 to whom the Attorney General has delegated authority to enforce
25 federal search warrants, as defined under Sections 60.2 and 60.3
26 of Title 28 of the Code of Federal Regulations, as amended, and
27 when the requesting officer has been designated by the head of
28 the law enforcement agency and requests this information in the
29 course of and as a part of an investigation into the commission of
30 a crime when there is a reasonable suspicion that the crime is a
31 felony and that the information would lead to relevant evidence.
32 The information provided pursuant to this subdivision shall be
33 provided to the extent permitted by federal law and regulations,
34 and to the extent the information is available and accessible within
35 the constraints and configurations of existing department records.
36 Any person who receives any information under this subdivision
37 shall make a written report of the information to the law
38 enforcement agency that employs him or her, for filing under the
39 normal procedures of that agency.

1 (1) This subdivision shall not be construed to authorize the
2 release to any law enforcement agency of a general list identifying
3 individuals applying for or receiving benefits.

4 (2) The department shall maintain records pursuant to this
5 subdivision only for periods required under regulations or statutes
6 enacted for the administration of its programs.

7 (3) This subdivision shall not be construed as limiting the
8 information provided to law enforcement agencies to that pertaining
9 only to applicants for, or recipients of, benefits.

10 (4) The department shall notify all applicants for benefits that
11 release of confidential information from their records will not be
12 protected should there be a felony arrest warrant issued against
13 the applicant or in the event of an investigation by a law
14 enforcement agency into the commission of a felony.

15 (j) To provide public employee retirement systems in California
16 with information relating to the earnings of any person who has
17 applied for or is receiving a disability income, disability allowance,
18 or disability retirement allowance, from a public employee
19 retirement system. The earnings information shall be released only
20 upon written request from the governing board specifying that the
21 person has applied for or is receiving a disability allowance or
22 disability retirement allowance from its retirement system. The
23 request may be made by the chief executive officer of the system
24 or by an employee of the system so authorized and identified by
25 name and title by the chief executive officer in writing.

26 (k) To enable the Division of Labor Standards Enforcement in
27 the Department of Industrial Relations to seek criminal, civil, or
28 administrative remedies in connection with the failure to pay, or
29 the unlawful payment of, wages pursuant to Chapter 1
30 (commencing with Section 200) of Part 1 of Division 2 of, and
31 Chapter 1 (commencing with Section 1720) of Part 7 of Division
32 2 of, the Labor Code.

33 (l) To enable federal, state, or local governmental departments
34 or agencies to administer child support enforcement programs
35 under Title IV of the Social Security Act (42 U.S.C. Sec. 651 et
36 seq.).

37 (m) To provide federal, state, or local governmental departments
38 or agencies with wage and claim information in its possession that
39 will assist those departments and agencies in the administration
40 of the Victims of Crime Program or in the location of victims of

1 crime who, by state mandate or court order, are entitled to
2 restitution that has been or can be recovered.

3 (n) To provide federal, state, or local governmental departments
4 or agencies with information concerning any individuals who are
5 or have been:

6 (1) Directed by state mandate or court order to pay restitution,
7 fines, penalties, assessments, or fees as a result of a violation of
8 law.

9 (2) Delinquent or in default on guaranteed student loans or who
10 owe repayment of funds received through other financial assistance
11 programs administered by those agencies. The information released
12 by the director for the purposes of this paragraph shall not include
13 unemployment insurance benefit information.

14 (o) To provide an authorized governmental agency with any or
15 all relevant information that relates to any specific workers'
16 compensation insurance fraud investigation. The information shall
17 be provided to the extent permitted by federal law and regulations.
18 For the purposes of this subdivision, "authorized governmental
19 agency" means the district attorney of any county, the office of
20 the Attorney General, the Department of Industrial Relations, and
21 the Department of Insurance. An authorized governmental agency
22 may disclose this information to the State Bar, the Medical Board
23 of California, or any other licensing board or department whose
24 licensee is the subject of a workers' compensation insurance fraud
25 investigation. This subdivision shall not prevent any authorized
26 governmental agency from reporting to any board or department
27 the suspected misconduct of any licensee of that body.

28 (p) To enable the Director of the Bureau for Private
29 Postsecondary and Vocational Education, or his or her
30 representatives, to access unemployment insurance quarterly wage
31 data on a case-by-case basis to verify information on school
32 administrators, school staff, and students provided by those schools
33 who are being investigated for possible violations of Chapter 7
34 (commencing with Section 94700) of Part 59 of the Education
35 Code.

36 (q) To provide employment tax information to the tax officials
37 of Mexico, if a reciprocal agreement exists. For purposes of this
38 subdivision, "reciprocal agreement" means a formal agreement to
39 exchange information between national taxing officials of Mexico
40 and taxing authorities of the State Board of Equalization, the

1 Franchise Tax Board, and the Employment Development
2 Department. Furthermore, the reciprocal agreement shall be limited
3 to the exchange of information that is essential for tax
4 administration purposes only. Taxing authorities of the State of
5 California shall be granted tax information only on California
6 residents. Taxing authorities of Mexico shall be granted tax
7 information only on Mexican nationals.

8 (r) To enable city and county planning agencies to develop
9 economic forecasts for planning purposes. The information shall
10 be limited to businesses within the jurisdiction of the city or county
11 whose planning agency is requesting the information, and shall
12 not include information regarding individual employees.

13 (s) To provide the State Department of Developmental Services
14 with wage and employer information that will assist in the
15 collection of moneys owed by the recipient, parent, or any other
16 legally liable individual for services and supports provided pursuant
17 to Chapter 9 (commencing with Section 4775) of Division 4.5 of,
18 and Chapter 2 (commencing with Section 7200) and Chapter 3
19 (commencing with Section 7500) of Division 7 of, the Welfare
20 and Institutions Code.

21 (t) Nothing in this section shall be construed to authorize or
22 permit the use of information obtained in the administration of this
23 code by any private collection agency.

24 (u) The disclosure of the name and address of an individual or
25 business entity that was issued an assessment that included
26 penalties under Section 1128 or 1128.1 shall not be in violation
27 of Section 1094 if the assessment is final. The disclosure may also
28 include any of the following:

29 (1) The total amount of the assessment.

30 (2) The amount of the penalty imposed under Section 1128 or
31 1128.1 that is included in the assessment.

32 (3) The facts that resulted in the charging of the penalty under
33 Section 1128 or 1128.1.

34 (v) To enable the Contractors' State License Board to verify
35 the employment history of an individual applying for licensure
36 pursuant to Section 7068 of the Business and Professions Code.

37 (w) To provide any peace officer with the Division of
38 Investigation in the Department of Consumer Affairs information
39 pursuant to subdivision (i) when the requesting peace officer has
40 been designated by the Chief of the Division of Investigation and

1 requests this information in the course of and as part of an
2 investigation into the commission of a crime or other unlawful act
3 when there is reasonable suspicion to believe that the crime or act
4 may be connected to the information requested and would lead to
5 relevant information regarding the crime or unlawful act.

6 (x) To enable the Labor Commissioner of the Division of Labor
7 Standards Enforcement in the Department of Industrial Relations
8 to identify, pursuant to Section 90.3 of the Labor Code, unlawfully
9 uninsured employers. The information shall be provided to the
10 extent permitted by federal law and regulations.

11 (y) To enable the Chancellor of the California Community
12 Colleges, in accordance with the requirements of Section 84754.5
13 of the Education Code, to obtain quarterly wage data, commencing
14 January 1, 1993, on students who have attended one or more
15 community colleges, to assess the impact of education on the
16 employment and earnings of students, to conduct the annual
17 evaluation of district-level and individual college performance in
18 achieving priority educational outcomes, and to submit the required
19 reports to the Legislature and the Governor. The information shall
20 be provided to the extent permitted by federal statutes and
21 regulations.

22 (z) To enable the Public Employees' Retirement System to seek
23 criminal, civil, or administrative remedies in connection with the
24 unlawful application for, or receipt of, benefits provided under
25 Part 3 (commencing with Section 20000) of Division 5 of Title 2
26 of the Government Code.

27 *(aa) To enable the State Department of Education, the University*
28 *of California, the California State University, and the Chancellor*
29 *of the California Community Colleges, pursuant to the*
30 *requirements prescribed by the federal American Recovery and*
31 *Reinvestment Act of 2009 (Public Law 111-5), to obtain quarterly*
32 *wage data, commencing July 1, 2010, on students who have*
33 *attended their respective systems to assess the impact of education*
34 *on the employment and earnings of those students, to conduct the*
35 *annual analysis of district-level and individual district or*
36 *postsecondary education system performance in achieving priority*
37 *educational outcomes, and to submit the required reports to the*
38 *Legislature and the Governor. The information shall be provided*
39 *to the extent permitted by federal statutes and regulations.*

1 *SEC. 22. If the Commission on State Mandates determines that*
2 *this act contains costs mandated by the state, reimbursement to*
3 *local agencies and school districts for those costs shall be made*
4 *pursuant to Part 7 (commencing with Section 17500) of Division*
5 *4 of Title 2 of the Government Code.*

6 ~~SECTION 1. The Governor, the Superintendent of Public~~
7 ~~Instruction, and the State Board of Education shall collaboratively~~
8 ~~develop a single high-quality plan or multiple plans, in~~
9 ~~collaboration with participating local educational agencies as~~
10 ~~necessary, to submit as part of an application for federal Race to~~
11 ~~the Top funds, authorized under the federal American Recovery~~
12 ~~and Reinvestment Act of 2009 (Public Law 111-5).~~

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